

MINUTES
(Recording is available)
PLANNING COMMISSION
MARCH 1, 2018
LAKEWOOD CITY HALL

PRE-REVIEW MEETING
6:30 P.M.
LOWER CONFERENCE ROOM

REGULAR MEETING
7:00 P.M.
AUDITORIUM

The meeting was called to order at 7:00 p.m.

1. Approve the Minutes of the February 1, 2018 meeting

<u>Members Present</u>	<u>Others Present</u>
Kyle Baker	Bryce Sylvester, Director, Planning and Development
Glenn Coyne, Vice Chair	Katelyn Milius, City Planner, Secretary
William Gaydos, Chairman	Jennifer Swallow, Chief Assistant Law Director
Louis McMahon	Mark Papke, City Engineer
Monica Rossiter	
2. Approve the Minutes of the February 1, 2018 meeting

A motion was made by Mr. McMahon, seconded by Mr. Baker to approve the February 1, 2018 meeting minutes as amended. All of the members voting yea, the motion passed.

3. Opening Remarks

REQUEST FOR REHEARING

7. **Docket No. 12-34-17**
15408 Madison Avenue
The Forest Lakewood

Erik Vaughan, The Forest Lakewood, LLC, applicant requests for a REHEARING to APPEAL the decision by the Planning Commission at its February meeting to DENY a Conditional Use in order to operate The Forest Lakewood, LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district. (Page62)

Mr. Sylvester asked the applicant to summarize the presentation.

Eric Vaughan, The Forest Lakewood, LLC was present. The number of parking spaces in the rear lot had been increased. The floor plan had been adjusted to allow for an ingress/egress at the rear of the building. Additionally, he stated he was willing look into valet parking.

Mr. Sylvester stated the request for rehearing came past the 10 day window established by the bylaws, but the administration did not object to the rehearing of this item. City administration supported the request for a rehearing.

The Commission asked if there would be two-way traffic in the alley for the adjacent businesses. Mr. Vaughan replied to the affirmative as related to traffic from both Madison Avenue and Mars Avenue. Mr. McMahon found this to be an issue of concern. Mr. Coyne said the late submission requesting a rehearing was cause to deny. Mr. Baker concurred with the administration to approve a rehearing. Discussion ensued about the request being substantive enough for a rehearing.

A motion was made by Mr. Baker, seconded by Ms. Rossiter to **APPROVE** the request for a rehearing. Mr. Baker, Mr. Gaydos, and Ms. Rossiter voting yea, and Mr. Coyne and Mr. McMahon voting nay, the motion passed.

REHEARING

8. **Docket No. 12-34-17**
15408 Madison Avenue
The Forest Lakewood

If there is an approval to the request for a rehearing, then the Planning Commission will consider an APPEAL to the decision made at its February meeting to DENY a Conditional Use in order to operate The Forest Lakewood, LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district. (Page 62)

Eric Vaughan, The Forest Lakewood, LLC was present.

Mr. Sylvester asked for clarification regarding the ingress/egress on Mars and Madison Avenues. Although the plan was improved from last month, there was not enough information that would allow the City to support the request. Mr. Sylvester cited the following and offered an explanation of each as to why the parking plan would not work:

- 1165.05 - Off street parking plan (Chapter 1165, Medical Marijuana Dispensaries),
- 1143.02(c) - Off-street, on-site parking spaces for all uses as required by this chapter shall be designed and maintained in accordance with applicable section of the Code so as to be safe, attractive and free of hazard, nuisance or other unsafe condition.
- 1143.09(a) – parking plan review: Planning Commission - Impact on central character of residential neighborhoods taking on overflow parking, and

He continued that it was clear that safety issues and hazardous conditions were likely to occur as the applicant was not in control of the parking lot ingress/egress. The neighboring businesses customers who used the parking lot and ingresses/egresses would not be aware of The Forest Lakewood's parking plan/circulation. 1143.02(c) was not met; it was not free of hazard. Due to the hazards, customers would park elsewhere challenging 1143.09(a) and have a negative impact on the neighborhood. As to 1165.05, customers would not park in the rear lot but would park in the residential areas. The City conducted a parking study two years ago which showed that parking was at its capacity. City administration did not support the request and would recommend a denial.

Public comment was taken. Mr. Coyne asked if the Police Chief had reviewed the amended plan. Ms. Milius replied it had not been reviewed. He asked if approval was given with a valet service, how the valet service could be enforced. Ms. Swallow stated it could be added as a condition to the approval. Mr. McMahon asked if valet service was attached to any approved parking plan within the City currently. Mr. Sylvester replied it was not. The issues remained about vehicular circulation and pedestrian traffic causing a potentially hazardous condition even with a potential valet service. He stated that this was the first he had heard about the use of a valet service.

A motion was made by Mr. Gaydos to **DENY** the conditional use. Mr. Baker reiterated that vehicular and pedestrian circulation with two neighboring businesses that would have conflicting circulation was a major concern. Mr. Vaughan again interjected that he was willing to develop a valet plan to alleviate the problem(s). Mr. Coyne said that a valet service plan would have been very nice to include in the application. Mr. McMahon said there were several deficiencies in the application, not just one concern. The motion to **DENY** was seconded by Mr. Coyne. All of the members voting yea, the motion passed.

NEW BUSINESS

DESIGNATE AS HISTORIC

4. **Docket No. 03-08-18**
13314 Detroit Avenue
Detroit-Clarence Medical Building

Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the property located at 13314 Detroit Avenue, Detroit-Clarence Medical Building, (PP# 312-31-052) as an historic property (HP), pursuant to Chapter 1134. The property is located in a C3 - Commercial, General Business district. (Page 3)

Richard Sicha, Lakewood Heritage Advisory Board and Greg Palumbo, Executive Director of the Lakewood Historical Society were present to explain the request. An unexpected easement issue was discovered when the real estate transaction was ready to close. The issue was being handled currently by attorneys. Mr. Palumbo asked for a deferral.

City administration supported the request for a deferral.

A motion was made by Mr. Coyne, seconded by Mr. Baker to **DEFER the application until the April 5, 2018 meeting**. All of the members voting yea, the motion passed.

OLD BUSINESS

CONDITIONAL USE

5. **Docket No. 02-05-18**
18401 Detroit Avenue
Molto Bene Italian Eatery

Gonzalo Egozcue, Gelato Star, applicant the request and approval for outdoor dining, pursuant to sections 1129.02 - principal and conditional permitted uses. The proposal will be reviewed on February 8, 2018 by the Architectural Board of Review. The property is located in a C2, Commercial and Retail district. This item was deferred from the February meeting. (Page 20)

Darryl Mapson, Tribe Architects was present to explain the request.

The Commission asked for a rendering which illustrated the position of tables and chairs on the proposed outdoor dining area.

City administration had no issues with the proposal, requested a copy of the illustration, and stated the proposal was being presented to the Architectural Board of Review at its March meeting. Discussion continued among the Commission members, Mr. Mapson, and city administration. There would be no outdoor speakers, and low lighting would be on each of the piers. The proposal included six tables and twelve chairs. Hours of outdoor dining were unknown. Answers about hours of outdoor dining and the updated outside seating plan would be forwarded to Planning and Development.

Public comment was closed. The Commission asked about sight lines for vehicles exiting from the side street.

A motion was made by Mr. McMahon, seconded by Mr. Baker to **APPROVE the request with the following conditions:**

- **ABR approves the plan, and**
- **A site plan with the 12 seats is received by administrative staff.**

All of the members voting yea, the motion passed.

NEW BUSINESS

CONDITIONAL USE

6. **Docket No. 03-09-18**
15200 Madison Avenue
Lakewood Electric Tattoo LLC

Charles W. Uhler, Lakewood Electric Tattoo LLC, applicant the review and approval for the operation of a tattoo shop, pursuant to section 1129.02 - permitted and conditional permitted uses; the property is located in a C2, Commercial and Retail district. (Page 34)

Brian Tuma, Attorney and Charles W. Uhler, Lakewood Electric Tattoo LLC, applicant, were present to explain the request.

Administrative staff supported the proposal. There would be shared parking with another establishment, and the mandatory insurance was in place. The applicant's work experience had not been verified by the law department as yet.

Public comment was taken. The Commission asked about the expected number of customers. Administrative staff asked if an appointment was required. The Commission felt parking was not going to be an issue.

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **APPROVE with the following condition:**

- **City administration confirms employment.**

All of the members voting yea, the motion passed.

COMMUNICATION

9. **Docket No. 03-10-18**

Communication from the Department of Planning and Development Regarding the Proposed Changes to Chapter 1134.03, Procedures for Identification, Notification and Designation of an HPD or HP or Landmarks of the Codified Ordinances to the City of Lakewood

The Department of Planning and Development will deliver a communication regarding the proposed changes to Chapter 1134.03, Procedures for Identification, Notification and Designation of an HPD or HP or Landmarks of the Codified Ordinances of the City of Lakewood to adjust the voting requirements of the Planning Commission based upon its new composition under the Third Amended Charter. (Page 70)

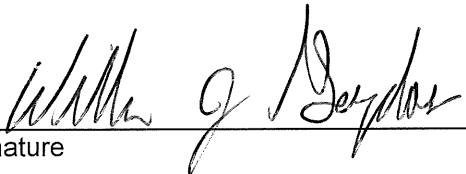
Ms. Milius presented the communication. Mr. Sicha added commentary.

Public comment was closed. Mr. McMahon felt it was an appropriate amendment. Mr. Gaydos believed in property rights and in historic preservation. Discussion continued about the rescinding of a designation if it became necessary to the viability of the neighborhood.


A motion was made by Mr. McMahon, seconded by Mr. Coyne to **RECOMMEND** that City Council adopts the proposed change to 1134.03(k). All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. Baker, seconded by Mr. Coyne to **ADJOURN** the meeting at 8:15 p.m. All of the members voting yea, the motion passed.



Signature



Date



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. Erin Vaughan
2. Bonnie Sikes
3. BLAKE Beharry
4. R. SICHA
5. Greg Palumbo
6. Bryan TMA
7. Chris W. Chude
8. Joe Stoltz
9. _____
10. _____
11. _____

1. G. M. L.
2. Bonnie Sikes
3. Blake Beharry
4. LHAB
5. Lakewood Historical Society
6. _____
7. Chris W. Chude
8. Joe Stoltz
9. _____
10. _____
11. _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ☐ ABR/BBS ☐ Citizens Advisory ☐ Civil Svc. ☐ Dangerous Dog ☐ Income Tax Appeals ☐ Loan Approval ☐ Nuisance Abatement Appeals ☐ Parking ☒ Planning ☐ Zoning Appeals ☐ Other:

Date of Proceeding: Thursday, March 1, 2018

TRIBE ARCHITECTS
ARCHITECTURE and VILLAGE PLANNING

February 26, 2018

**PROJECT: Planning Commission approval for
MOLTO BENE ICE CREAM DECK
18401 Detroit Avenue, Lakewood, Ohio**

**To: Ms. Katelyn Milius, PE
City Planner, City of Lakewood**

REGARDING: Outdoor Dining Occupancy

Dear Katelyn:

Per your request attached is a revised deck outdoor seating plan. 25% of the indoor seating would be 12 seats outdoors, as now shown on the deck seating plan per the code.

If you have any questions, please contact us.

Grace,



Daryl E. Mapson, R.A.
Principal, Tribe Architects

A-7

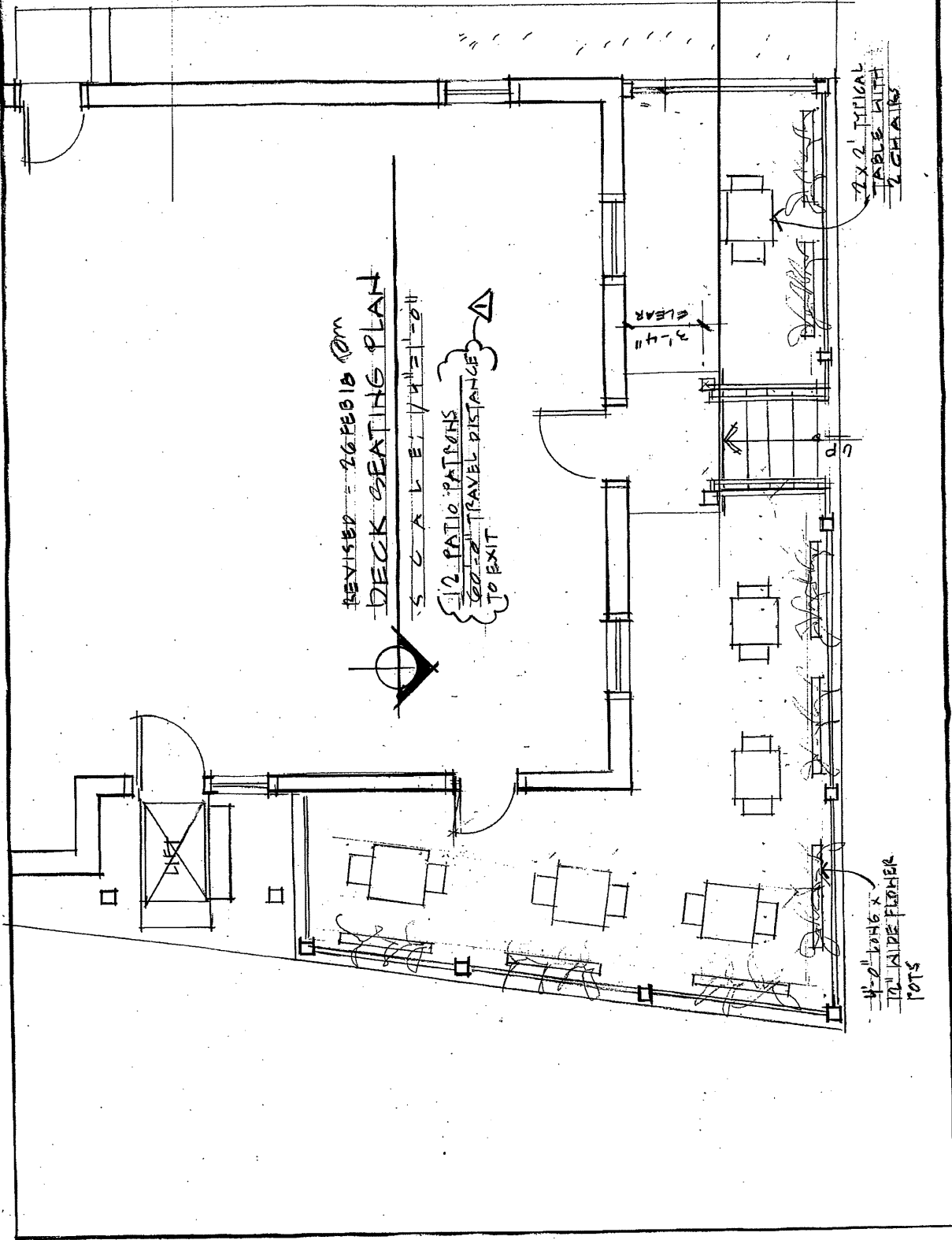
18401

DETROIT ROAD

Porch Deck

MOLTO BENE ITALIAN EATERY

Tribe Architects



Schwarz, Johanna

From: Milius, Katelyn
Sent: Monday, March 5, 2018 11:24 AM
To: Schwarz, Johanna
Subject: FW: MOLTO BENE HOURS
Attachments: Screenshot_20180302-123445~01.png

Another follow-up from Molto Bene.

From: Daryl Mapson [<mailto:daryl.mapson@gmail.com>]
Sent: Friday, March 2, 2018 12:37 PM
To: Milius, Katelyn
Subject: MOLTO BENE HOURS

Katelyn

Another question that came up was the shop hours. Please see attached.

Daryl

Lakewood's mission in the application of Lean Six Sigma principles is to provide exceptional customer service that meets or exceeds our citizens' expectations and maintains a vibrant, competitive community.

My hours are
Tuesday to Saturday
4pm to 10pm,
Sunday 3pm to 8pm
and Monday we are
closed



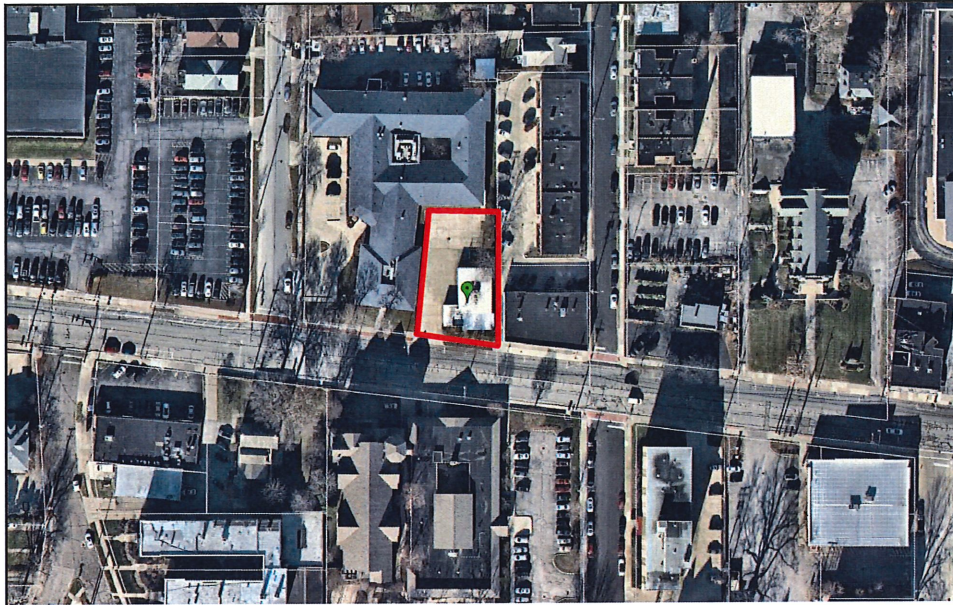
Planning Commission
March 1, 2018

Request

1134.03(b): Designation of Historic Property

The Heritage Advisory Board may propose to the Commission nominations of a building as an HP. Proposals for nomination must be on one or more standard publicly available forms promulgated by the Heritage Advisory Board. A proposal for nomination shall specify which specific site improvements are included in the proposal for nomination, and any improvements not specified shall be deemed not to have been nominated.

13314 Detroit Avenue
Detroit-Clarence Medical Building.
Designation of Historic Property



13314 Detroit Avenue
Detroit-Clarence Medical Building.
Designation of Historic Property

Considerations for Nomination: (Check all that apply to the property)

- ☒ (1) Has character, interest or value as part of the heritage of the City, region, State of Ohio or United States;
- ☐ (2) The location is the site of a significant historic event;
- ☐ (3) Associated with a person or persons who significantly contributed to the historic development of the City;
- ☒ (4) Exemplifies the cultural, economic, social, archeological, or historic heritage of the City;
- ☐ (5) Reflects the environment of a group of people in an era of history characterized by a distinctive architectural style;
- ☐ (6) Reflects distinguishing historical characteristics of a group of people in an era of history characterized by a distinctive architectural style;
- ☐ (7) The work of an architect or master builder whose individual work has influenced the development of the City;
- ☒ (8) Embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural style or technological innovation;
- ☐ (9) Possesses a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;
- ☐ (10) The likelihood of yielding information important to the understanding of prehistory or history.

Additional Considerations: (Must meet both for eligibility)

- ☒ (1) Must have a high degree of historic integrity, without excessive loss of architectural or historic character.
- ☒ (2) Must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

13314 Detroit Avenue
Detroit-Clarence Medical Building.
Designation of Historic Property







Request

1134.03(b): Designation of Historic Property

The Heritage Advisory Board may propose to the Commission nominations of a building as an HP. Proposals for nomination must be on one or more standard publicly available forms promulgated by the Heritage Advisory Board. A proposal for nomination shall specify which specific site improvements are included in the proposal for nomination, and any improvements not specified shall be deemed not to have been nominated.

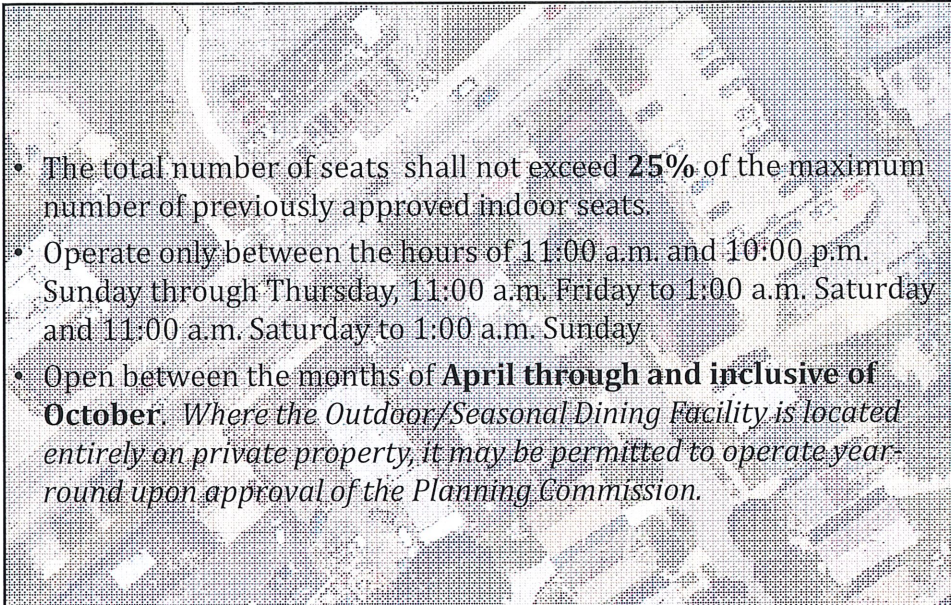
13314 Detroit Avenue
Detroit-Clarence Medical Building.
Designation of Historic Property



Request

The review and approval of a Conditional Use for an outdoor dining facility pursuant to Section 1129.02 – Principal and Conditional Permitted Uses, and 1161.03(t) – Outdoor/Seasonal Dining.

18401 Detroit Avenue
MoltoBene
Conditional Use Outdoor Dining



- The total number of seats shall not exceed **25%** of the maximum number of previously approved indoor seats.
- Operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday
- Open between the months of **April through and inclusive of October**. *Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round upon approval of the Planning Commission.*

18401 Detroit Avenue
MoltoBene
Conditional Use Outdoor Dining



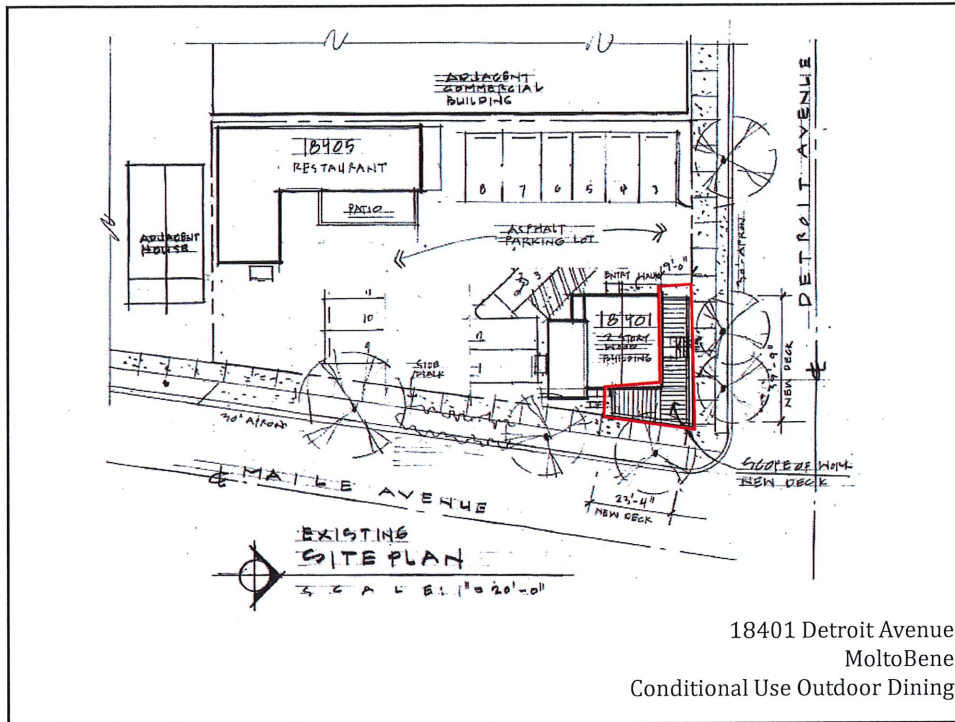
18401 Detroit Avenue
MoltoBene
Conditional Use Outdoor Dining



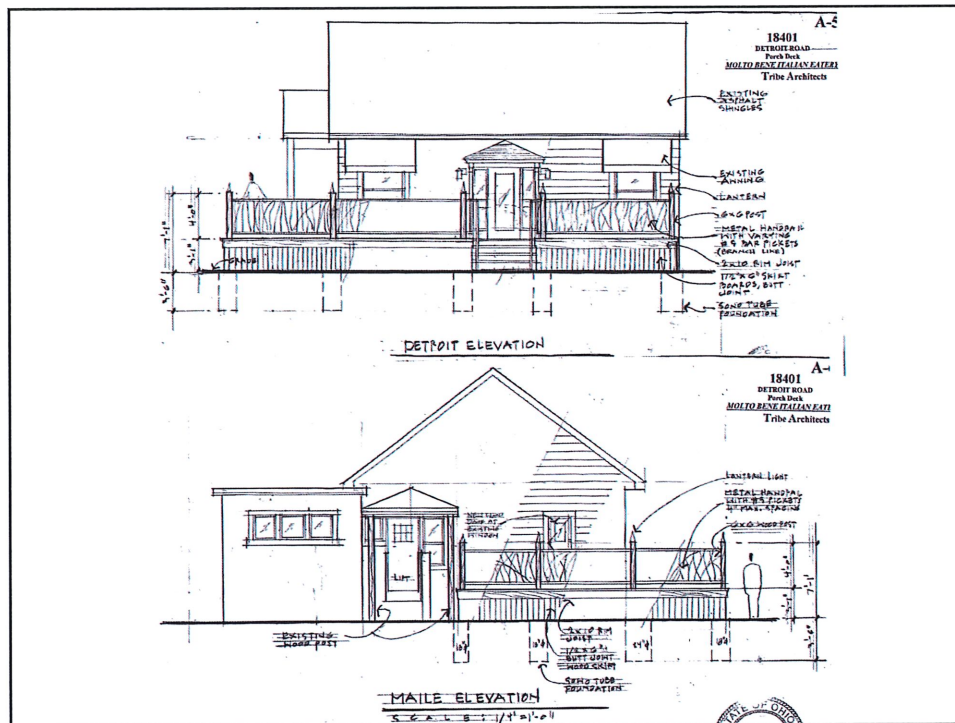
18401 Detroit Avenue
MoltoBene
Conditional Use Outdoor Dining



18401 Detroit Avenue
MoltoBene
Conditional Use Outdoor Dining



18401 Detroit Avenue
 MoltoBene
 Conditional Use Outdoor Dining







Request
The review and approval of a Conditional Use for an outdoor dining facility pursuant to Section 1129.02 – Principal and Conditional Permitted Uses, and 1161.03(t) – Outdoor/Seasonal Dining.

18401 Detroit Avenue
MoltoBene
Conditional Use Outdoor Dining



Request

The review and approval of a Conditional Use for a body art establishment pursuant to Section 1129.02 - Principal and Conditional Permitted Uses, and 1161.03(z) - Body Art Establishments.

15200 Madison Avenue
Lakewood Electric Tattoo
Conditional Use Body Art Establishment



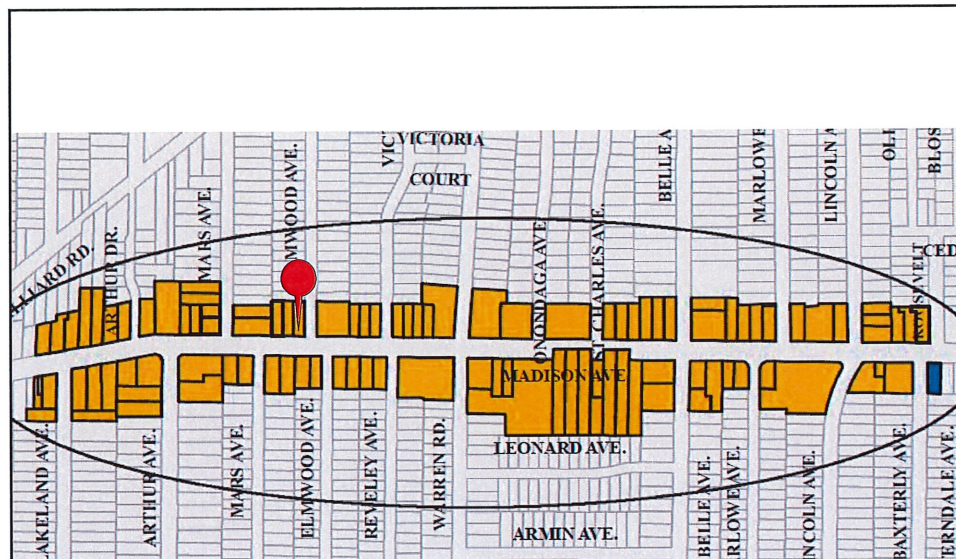
1161.03(z)

- Single-use instruments
- Owner or manager no less than 3 years of experience
- Liability insurance of at least \$1M
- No electronic signage
- Hours 8AM-9PM
- Waste handled through qualified contractor

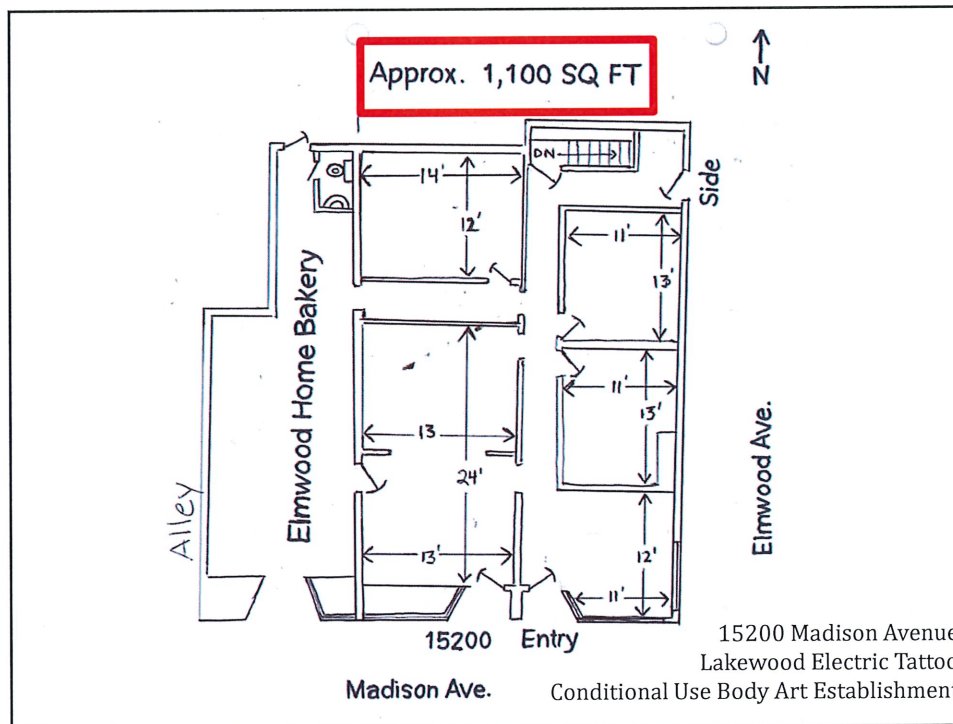
15200 Madison Avenue
Lakewood Electric Tattoo
Conditional Use Body Art Establishment



15200 Madison Avenue
Lakewood Electric Tattoo
Conditional Use Body Art Establishment



15200 Madison Avenue
Lakewood Electric Tattoo
Conditional Use Body Art Establishment







Request

The review and approval of a Conditional Use for a body art establishment pursuant to Section 1129.02 – Principal and Conditional Permitted Uses, and 1161.03(z) – Body Art Establishments.

15200 Madison Avenue
Lakewood Electric Tattoo
Conditional Use Body Art Establishment

Request for Rehearing

- Denied applications may be resubmitted within ten (10) days from the date of ruling.
- If the Commission determines by vote that **valid grounds have been submitted**, a rehearing shall be granted.
- If the request is not made within ten (10) days from the date of ruling, no application on the same appeal may be made to the Commission for a period of six (6) months from the date the original application was denied.

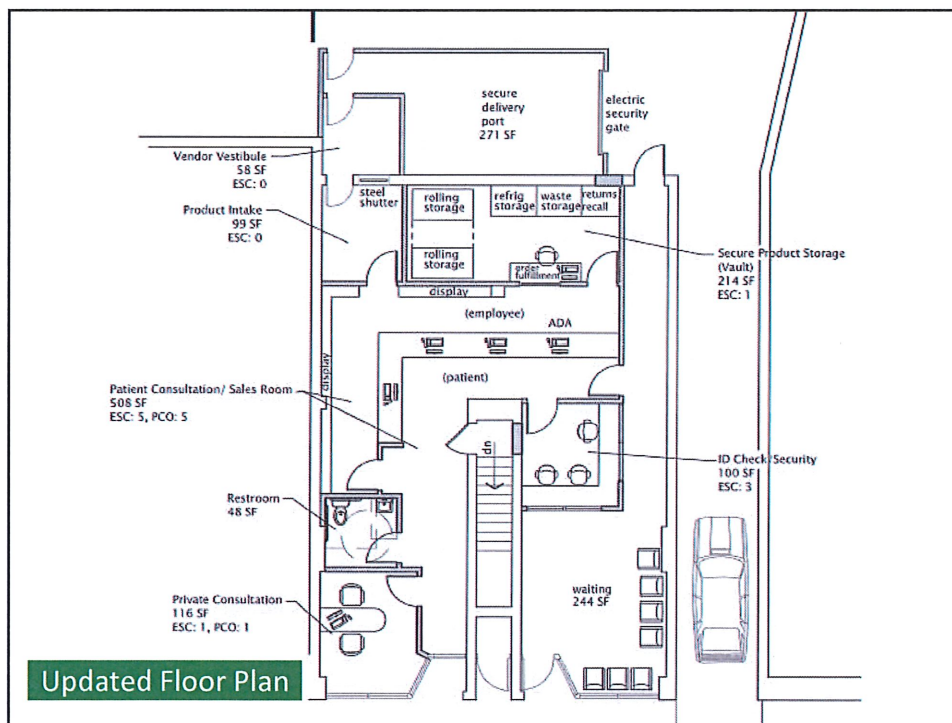
15408 Madison Avenue
The Forest Lakewood
Conditional Use

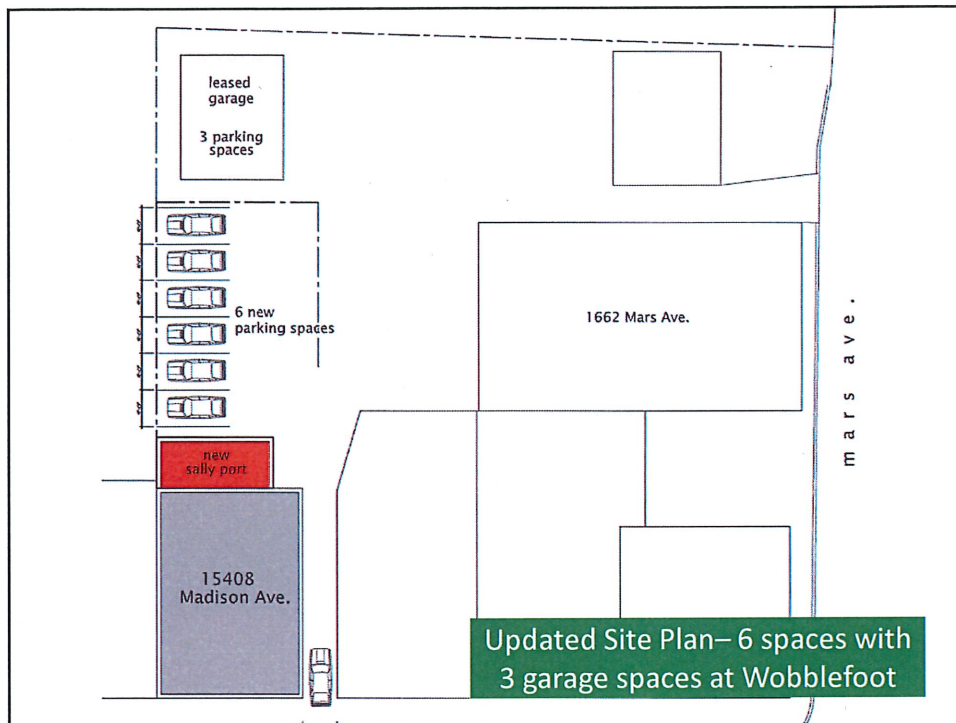
Pursuant to letter received February 14th

The grounds for rehearing are as follows:

- (1) The Forest Lakewood, LLC, has prepared an alternative plan for the site which includes installing a rear entrance to the facility.
- (2) The application for a conditional use permit submitted by The Forest Lakewood, LLC meets the standards for a conditional use permit as set forth in Section 1161.02 of the Lakewood Codified Ordinances.

15408 Madison Avenue
The Forest Lakewood
Conditional Use





Request for Rehearing

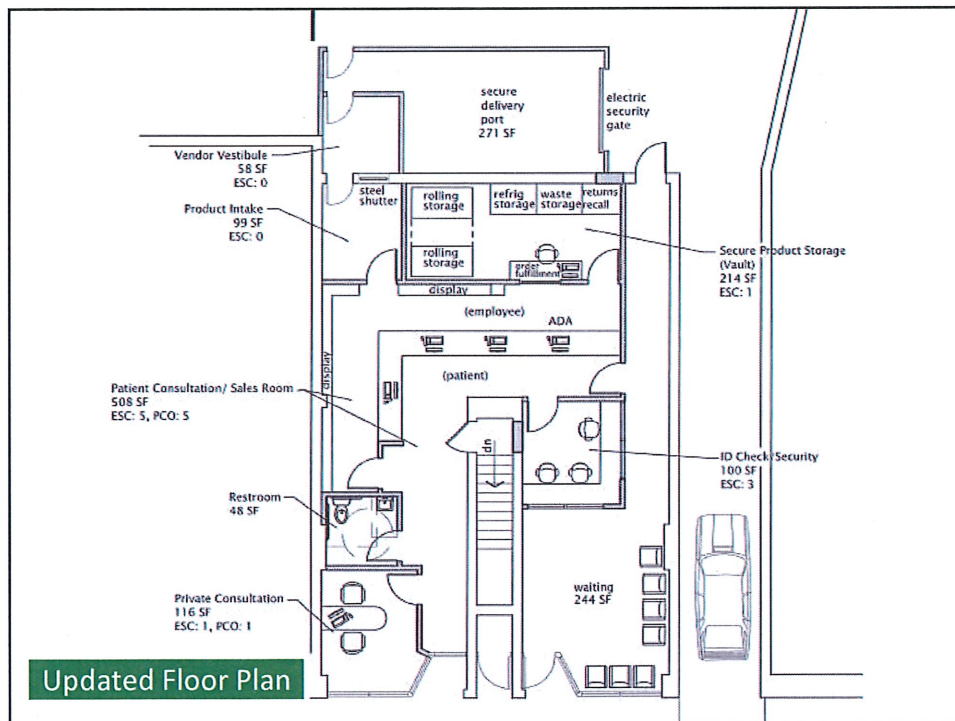
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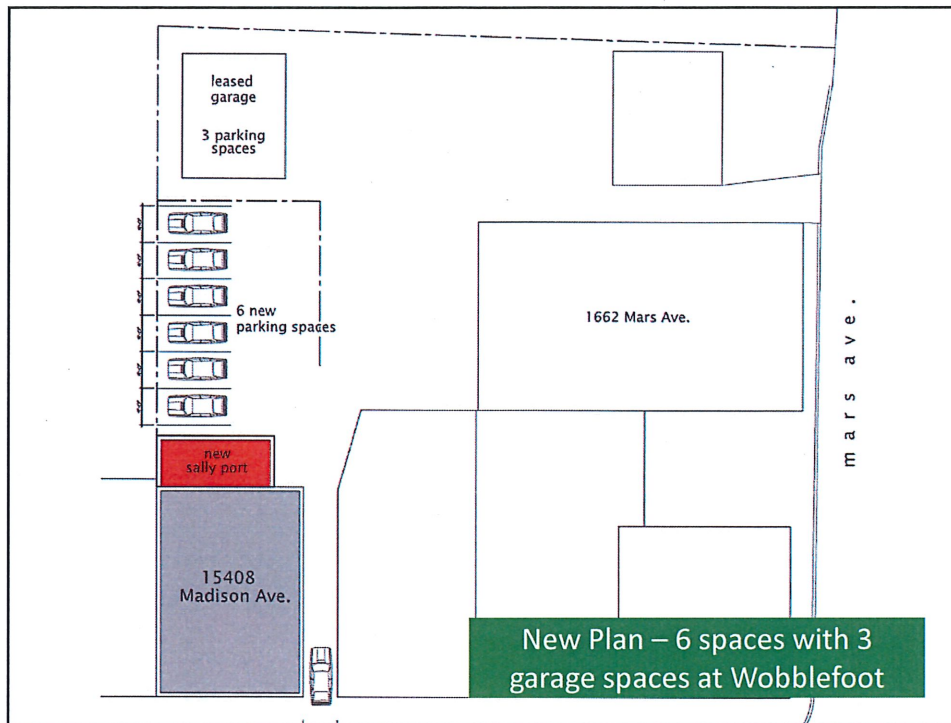
15408 Madison Avenue
The Forest Lakewood
Conditional Use

Rehearing

The review and approval of a Conditional Use in order to operate The Forest Lakewood, LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

15408 Madison Avenue
The Forest Lakewood
Conditional Use

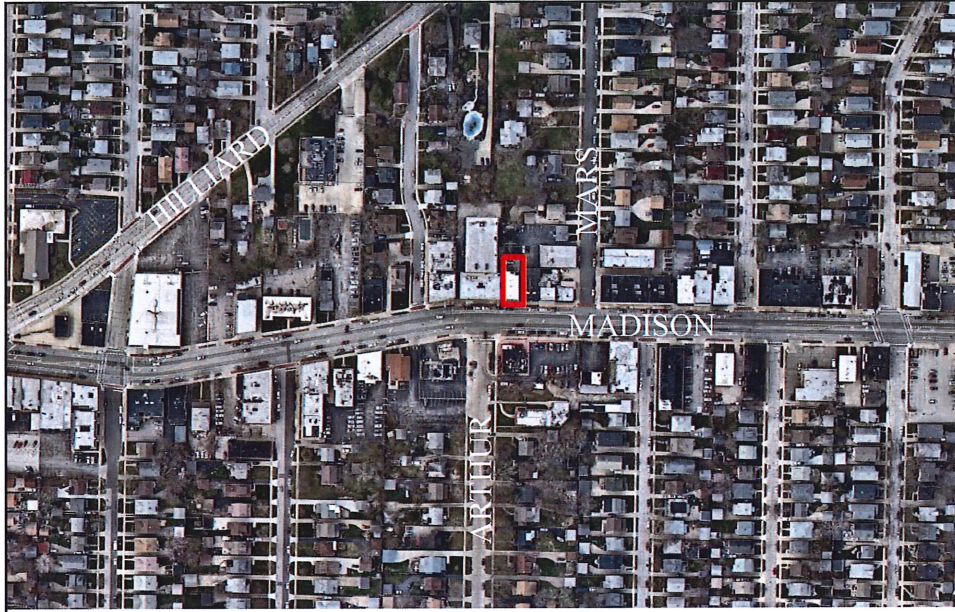




CHAPTER 1165

- Outside of 500' buffer zone.
- Not within 1,000' of another approved conditional use permit.
- 1165.05 Commission may require an off-street parking plan.

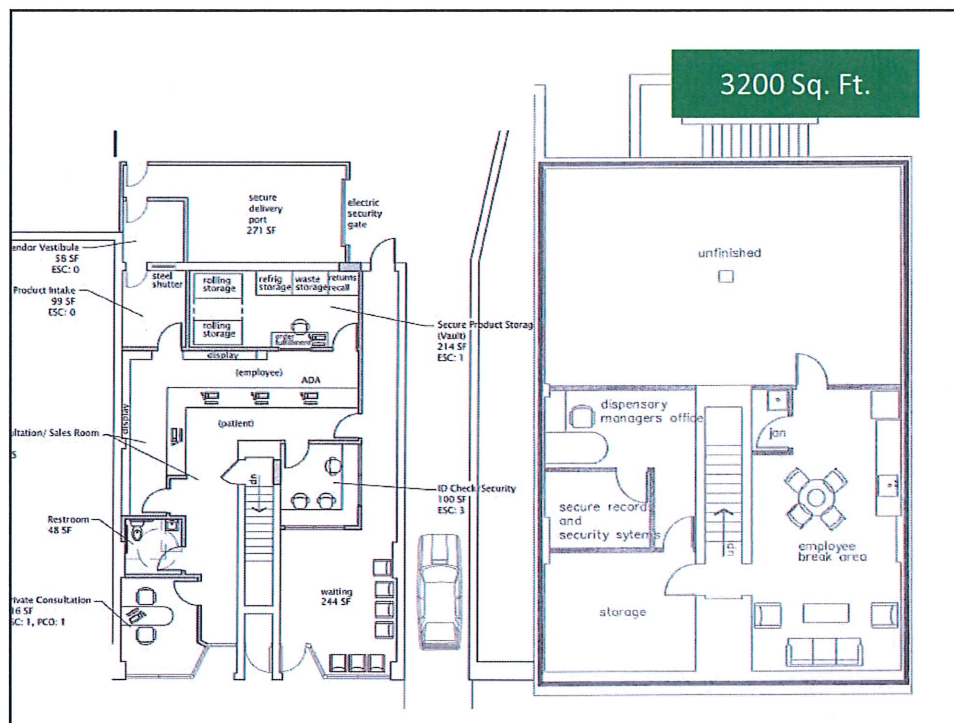
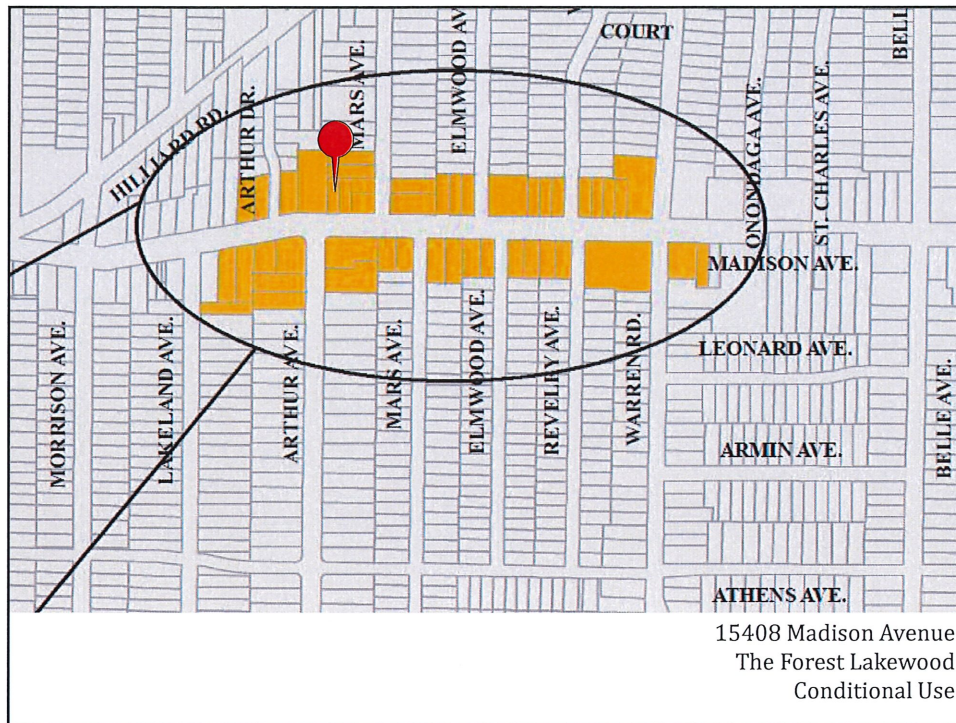
15408 Madison Avenue
The Forest Lakewood
Conditional Use

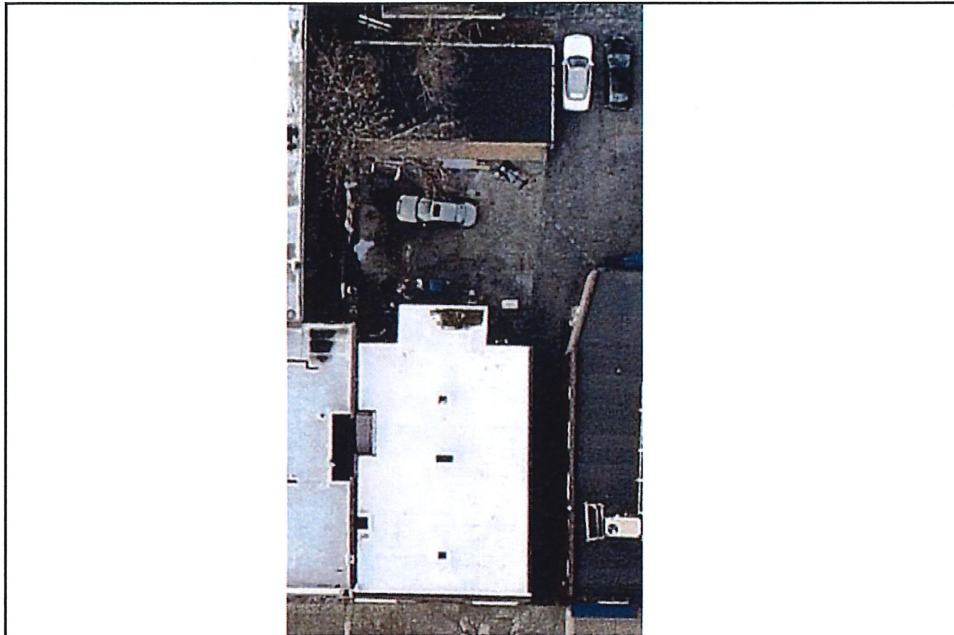


15408 Madison Avenue
The Forest Lakewood
Conditional Use



15408 Madison Avenue
The Forest Lakewood
Conditional Use



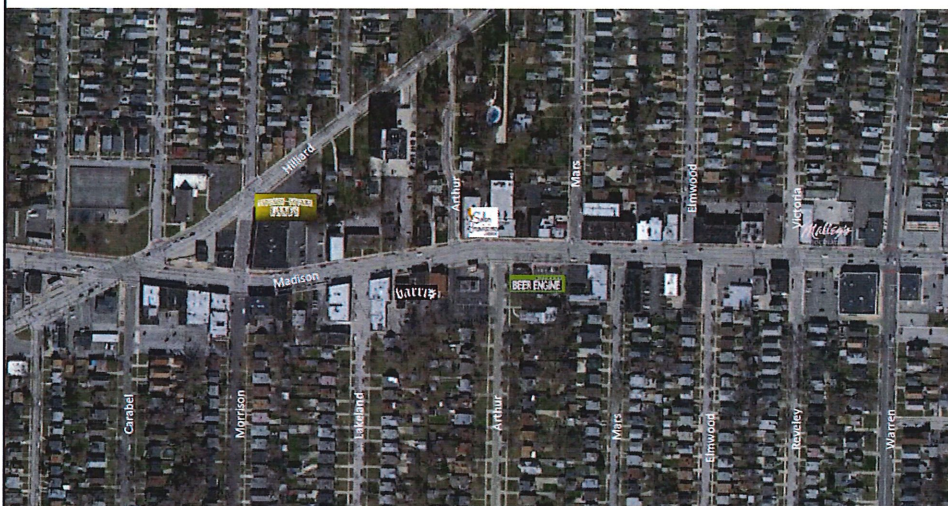


The Forest Lakewood, LLC will see approximately 250-350 patients per day and anticipates that 90%+ will be over 30 years old and 50%+ will be over 51 years old. The average transaction will be approximately \$88. Each patient spends about 20 minutes on site – including check-in with security and one-on-one consultation with dispensary employee. The Forest Lakewood, LLC expects to hire 10-20 employees.

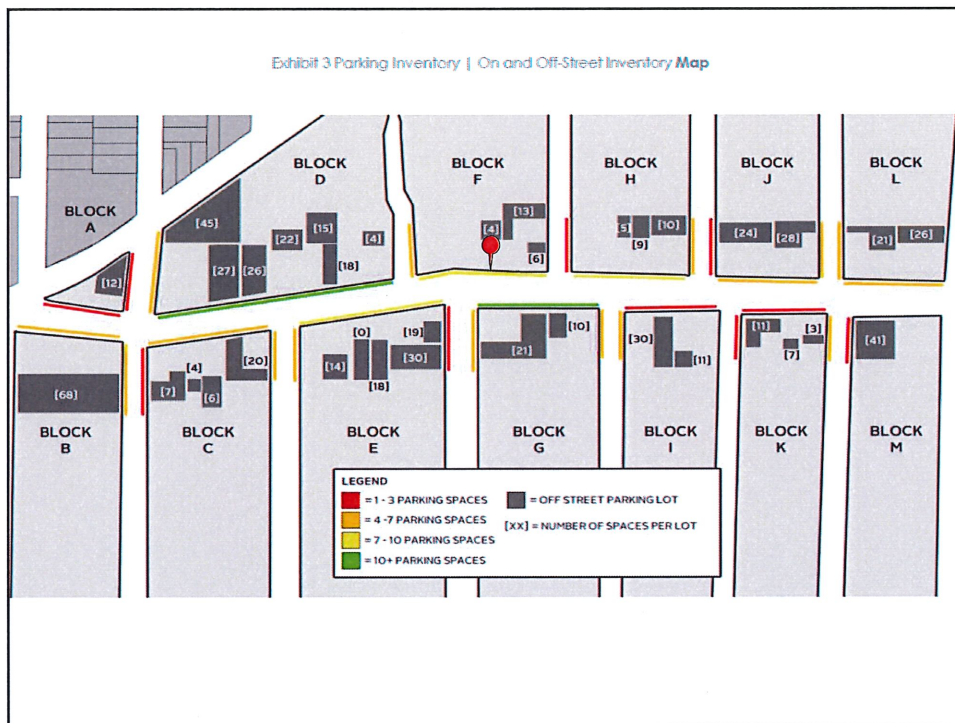
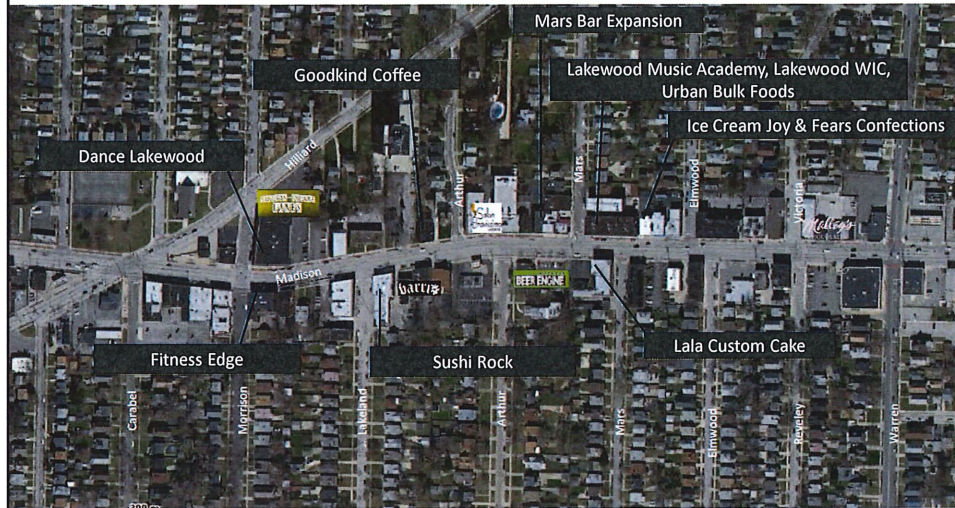


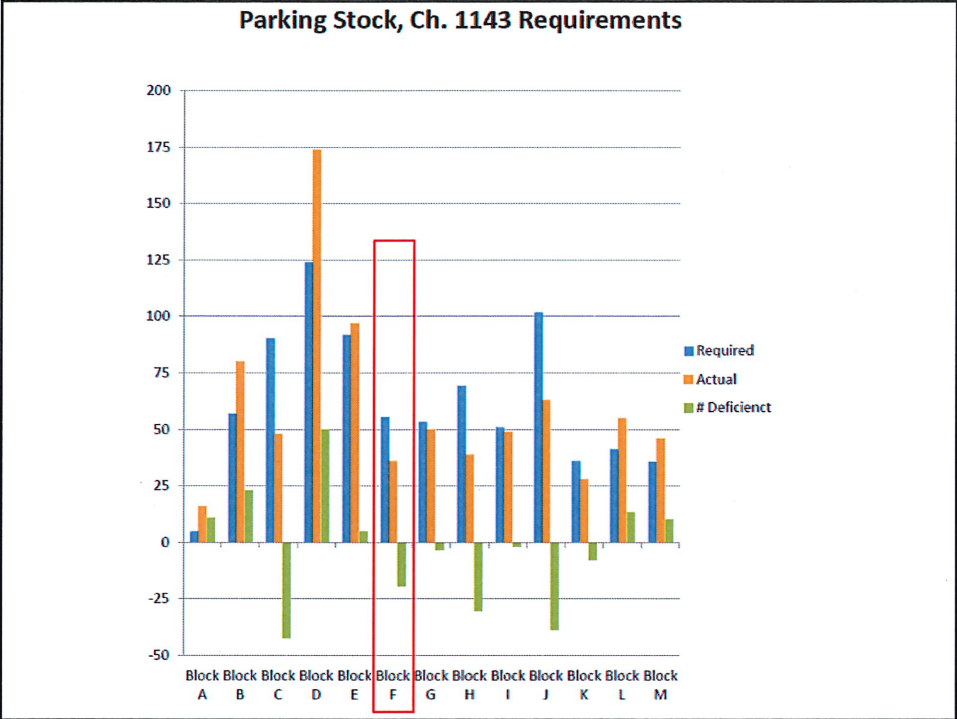


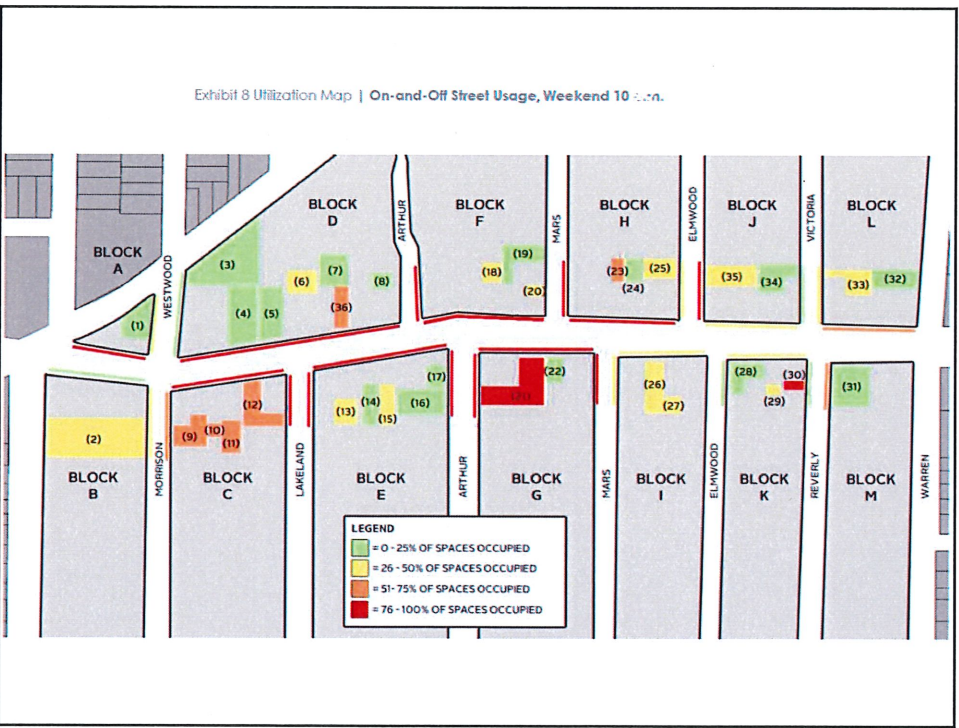
2013 Parking Study



2017



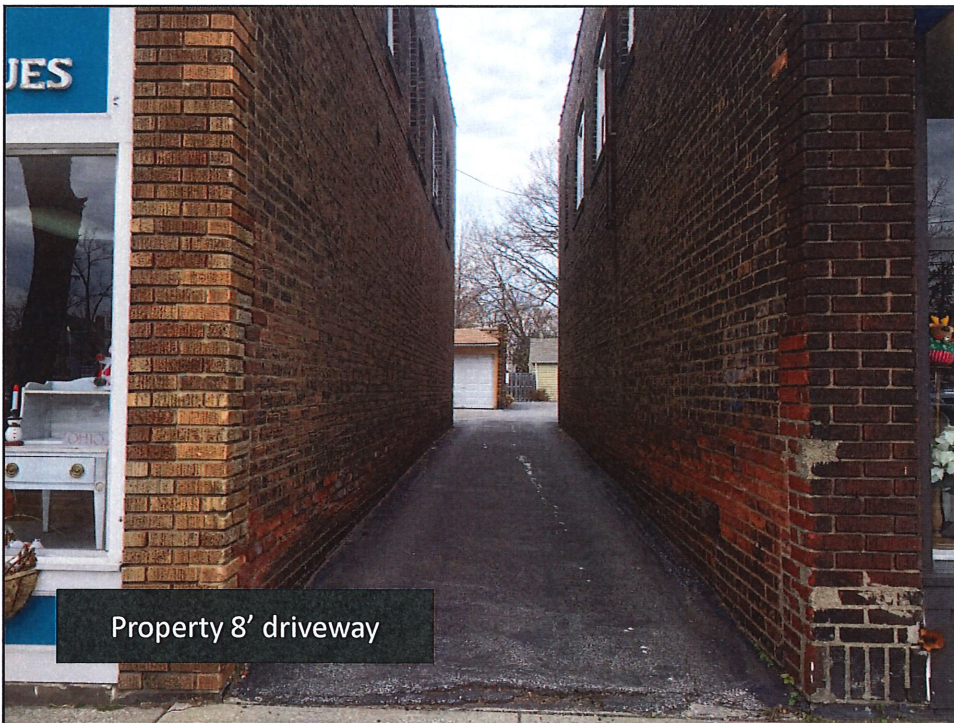




April 2017

15 Minute Zone
added due to
Business Complaints



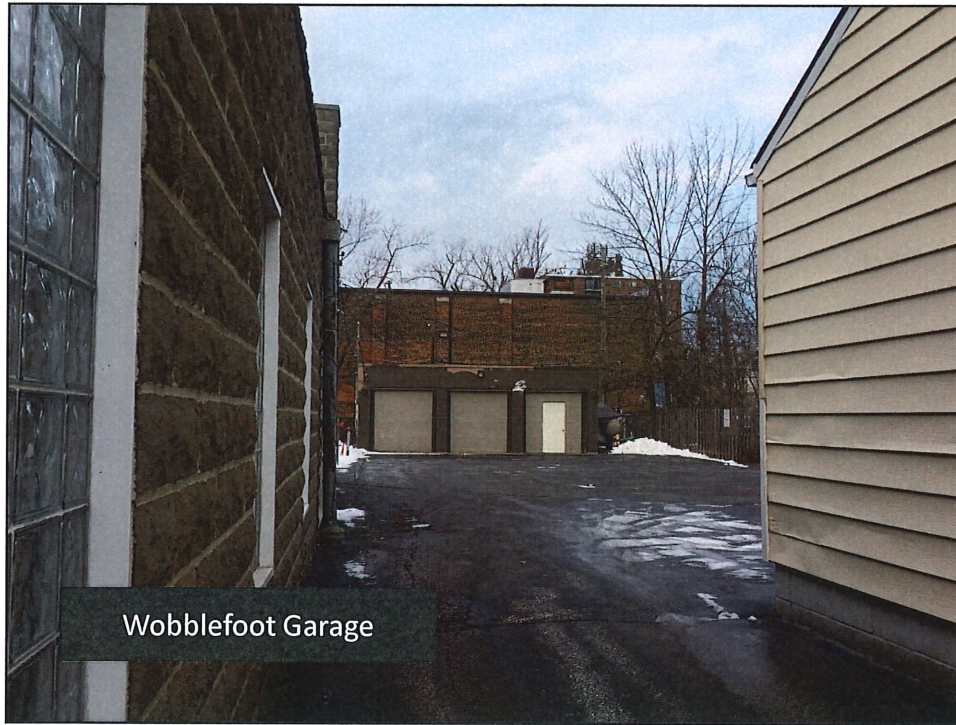




Property Garage



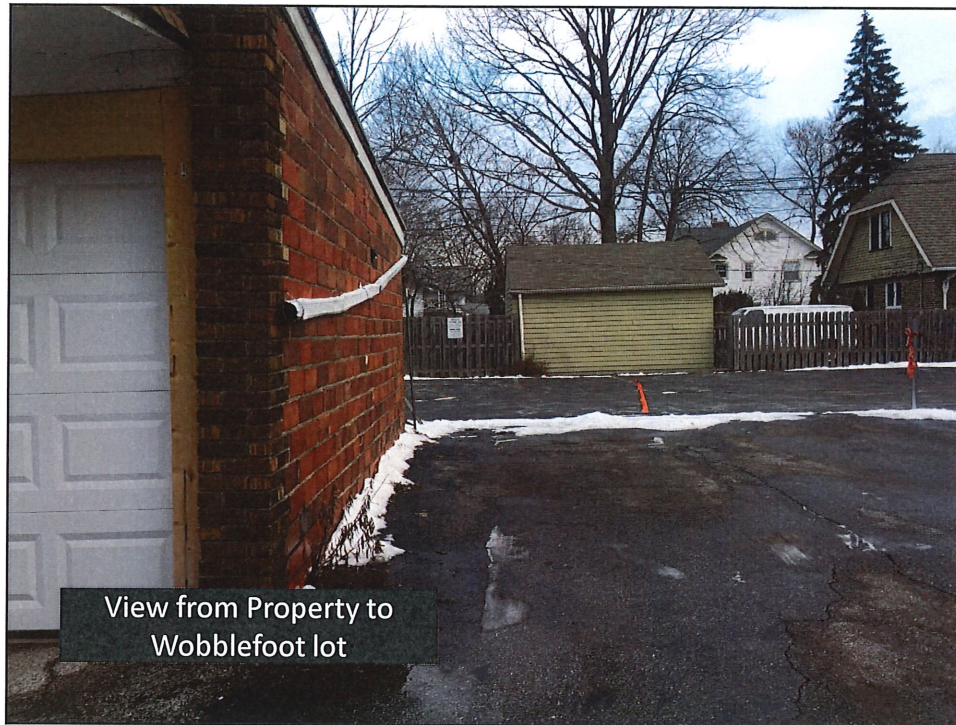
Wobblefoot 10' driveway
off Mars Ave



Wobblefoot Garage



Wobblefoot Garage
From Property



View from Property to
Wobblefoot lot

Previous Conditions of Approval

- The security plan is approved by the Chief of Police,
- A security guard will be onsite for all operating hours,
- The building is renovated to code with ABR approval and signage is ABR approved,
- There is an appropriate parking plan on file,
- Comply with all city business licensing requirements,
- Compliant with all state codes and licenses granted,
- Mandatory one year annual review.

15408 Madison Avenue
The Forest Lakewood
Conditional Use



Request

The review and approval of a Conditional Use in order to operate The Forest Lakewood, LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

15408 Madison Avenue
The Forest Lakewood
Conditional Use



Communication

Voting requirement changes in Chapter 1134.03(k), Procedures for Identification, Notification and Designation of an HPD of HP or Landmarks based upon the Planning Commission's new composition under the Third Amended Charter.



1134.03(k)

In the event the owner of a property nominated as an HP, or each owner within a district nominated as an HPD, **does not consent to designation, the Commission may only designate an HP or HPD by a vote of at least five four of its members**, or otherwise the Commission may designate an HP or HPD by a majority vote of a quorum of its members.



Communication

Voting requirement changes in Chapter 1134.03(k), Procedures for Identification, Notification and Designation of an HPD of HP or Landmarks based upon the Planning Commission's new composition under the Third Amended Charter.



Planning Commission
March 1, 2018